

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEBORA NOVAKOWSKI,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-356E
)	
ELAINE CHAO, SECRETARY, AND THE)	JUDGE McLAUGHLIN
UNITED STATES DEPARTMENT)	
OF LABOR,)	ELECTRONICALLY FILED
)	
Defendants.)	

MOTION FOR ENLARGEMENT OF TIME TO COMPLETE DISCOVERY

AND NOW, come Defendants, Elaine Chao, Secretary, and the United States Department of Labor, by their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney for said District and, pursuant to Rule 6(b) of the Fed. R.Civ.P., files the following Motion for an Enlargement of Time of Thirty Days to Complete Discovery:

1. On October 28, 2005, this Court ordered discovery to end by December 28, 2005.
2. This is Defendants' first request for an extension of time to complete discovery.
3. Both parties have exchanged responses to their first set of interrogatories and first request for production of documents. On or before December 30, 2005, Defendants will furnish Plaintiff's counsel with responses to the second set of interrogatories and second request for production of documents.

4. Within this last period of discovery, both parties have noticed the depositions of the Plaintiff and two (2) witnesses for the Defendants but were unable to obtain testimony for various reasons, including geographic location of the witnesses and the unavailability of one of the Defendant's witnesses from mid-December to after January 3, 2006. Also, as explanation and not rationalization, Counsel for the Defendants was involved in the preparation and taking of seven (7) depositions in December ("Maxwell case"), the filing of three (3) potentially dispositive motions and an appellate brief (Yang, filed December 28, 2005) which took time from this case.

5. This request for another extension of 30 days to take 3 depositions is made due to Counsel for Defendants' immediate upcoming schedule. On January 17, 2006, the undersigned counsel begins a jury trial (J. Hardiman) (Title VII case; "Remo") and will be unavailable to prepare witnesses and take deposition testimony until after the trial.

6. On December 23, 2005, the undersigned told Plaintiff's Counsel of this Motion, to which he did not oppose. Further, the responses to the second set of interrogatories were given verbally and dates in late January 2006 were exchanged between the parties. Additionally, both of Defendants' witnesses are available for deposition in late January, notwithstanding the retirement (January 3, 2006) of one of the witnesses and the

availability of the other witness by telephone and/or in person in Philadelphia (Soltan).

7. The undersigned counsel acknowledges the Court's schedule and interest in advancing this case promptly but indulges the Court for this extension of time. Plaintiff will not suffer prejudice by this extension.

WHEREFORE, Defendants, Elaine Chao, Secretary, and the United States Department of Labor, respectfully request that the Court issue an Order granting this Motion.

Respectfully submitted,

MARY BETH BUCHANAN
UNITED STATES ATTORNEY

s/Paul E. Skirtich
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion for Enlargement of Time to Complete Discovery was electronically filed and/or served by postage-paid U.S. Mail, to and upon the following:

John R. Linkosky, Esquire
John Linkosky & Associates
715 Washington Avenue
Carnegie, PA 15106

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney

Dated: December 28, 2005